

SB 388 A STAFF MEASURE SUMMARY**Carrier:** Sen. Manning Jr**Senate Committee On Judiciary****Action Date:** 02/27/19**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-2-0**Yeas:** 5 - Fagan, Linthicum, Manning Jr, Prozanski, Thatcher**Exc:** 2 - Bentz, Gelser**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Addie Smith, Counsel**Meeting Dates:** 2/13, 2/27**WHAT THE MEASURE DOES:**

Directs the Governor's office to notify the presiding judge of the circuit court where a conviction occurred within 10 days of granting a pardon. Requires the presiding judge to issue an order sealing the records of conviction. Directs the clerk of the court to forward a certified copy of the order to other agencies at the court's request. Requires the Governor's office to notify the presiding judges of the circuit courts in which convictions occurred for all individuals pardoned in the last five years. Directs courts to seal the records of convictions for those individuals. Allows individuals pardoned more than five years ago to file written requests with the Governor's office to notify the court of conviction for purposes of sealing the records of conviction. Ensures that the records of the pardon, including the records held by the Secretary of State and presented to the Legislative Assembly, remain public record.

ISSUES DISCUSSED:

- Practices in other states
- Governor's authority to grant pardons
- Number of pardons in recent years
- Effect of sealing record
- Current process for sealing record

EFFECT OF AMENDMENT:

Replaces measure.

BACKGROUND:

Article V, section 14 of the Oregon Constitution grants the Governor the authority to grant reprieves, commutations, and pardons after conviction. It also requires that the Governor report the details of each reprieve, commutation, and pardon to the Legislative Assembly. Oregon statutes create a process by which an individual can request a pardon and provide detailed requirements for the Governor's legislative report on these matters. See ORS 144.650 and ORS 144.660. The Governor must, within 10 days of granting a pardon, file all papers related to that pardon with the Secretary of State where they are kept as public records open to public inspection. ORS 144.670. After a pardon has been granted, there is no process in place to ensure that the pardoned individual's record of conviction is sealed.

Senate Bill 388 A provides a process for sealing the records of an individual's conviction after a gubernatorial pardon.